

**PATENT**

**Attorney Docket No. SVL920010003US1  
(13296/2)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/990,802 Confirmation No.: 3720  
Applicant(s) : Eitan FARCHI et al.  
Filed : November 13, 2001  
For : METHOD AND APPARATUS FOR COLLECTING  
PERSISTENT COVERAGE DATA ACROSS SOFTWARE  
VERSIONS  
Art Unit : 2193  
Examiner : Jason D. MITCHELL  
Customer No. : 61023

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181**

Sir:

Within the two-month time period prescribed by 37 C.F.R. § 1.181(f), Applicants petition to have the Notice of Abandonment, mailed on April 23, 2007, withdrawn on the grounds that the original Decision on Appeal mailed on February 16, 2007, was never received by Kenyon & Kenyon LLP (Practitioner).

*The Decision on Appeal purportedly mailed on February 16, 2007 was never received by the Practitioner. The Practitioner only became aware of the Decision on Appeal after checking in private PAIR on April 19, 2007, and seeing that the Decision on Appeal was listed there.*

U.S. Application No. 09/990,802  
PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. § 1.181

The M.P.E.P Section 711.03(c) (“I. Petition To Withdraw Holding Of Abandonment”)

states that:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner’s statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

The undersigned Practitioner states that “the Office communication was not received by the practitioner,” and attests “to the fact that a search of the file jacket and docket records indicates that the Office communication was not received,” as to the above-captioned application. In particular, a complete search of the file jacket and docket records of the present application evidences the fact that the Decision on Appeal purportedly mailed from the USPTO on February 16, 2007 was not received by Kenyon & Kenyon LLP.

As required by the M.P.E.P. 711.03(c), a “copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed [is] attached to and referenced in practitioner’s statement”. In particular, attached to this Petition is a copy of the docket sheets showing all docketed due date entries for April 16, 2007 (due date for responding to the Decision on Appeal mailed on February 16, 2007).

Also enclosed is a Request for Reconsideration to respond to the Decision on Appeal that was purportedly mailed on February 16, 2007 from the USPTO – but was not received as

U.S. Application No. 09/990,802  
PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. § 1.181

explained above by the Practitioner. This is the paper that Appellants would have filed if the Decision on Appeal had been received.

A favorable and prompt decision on this Petition is respectfully requested.

While no fee is believed to be due, the Commissioner is authorized to charge any necessary fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600. A copy of this paper is enclosed for that purpose.

Respectfully submitted,  
KENYON & KENYON LLP

Dated: June 20, 2007

By: /Frank L. Bernstein/  
Frank L. Bernstein  
Reg. No. 31,484

Customer No. **61023**

KENYON & KENYON LLP  
333 West San Carlos St., Suite 600  
San Jose, CA 95110  
Telephone: (408) 975-7500  
Facsimile: (408) 975-7501